



**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**Monthly Enforcement Report**  
**for actions during January 2011**  
**DISTRIBUTED: April 7, 2011**

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*This report has been prepared to satisfy a statutory obligation the Maine Department of Environmental Protection has to inform the public of certain enforcement resolutions. Please contact Peter Carney at (207) 287-4305 or [peter.j.carney@maine.gov](mailto:peter.j.carney@maine.gov) for additional information regarding the activities listed in this report. The full text of most Administrative Consent Agreements is available on the Board of Environmental Protection's website at <http://www.maine.gov/dep/bep/agenda.htm>.*

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The following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and impose penalties to deter similar actions in the future.

**Administrative Consent Agreements Approved by the Board of Environmental Protection and Office of the Attorney General (party followed by location):**

*Air:*

**Red Shield Acquisition, LLC d/b/a Old Town Fuel & Fiber, Old Town, Maine.** Red Shield Acquisition, LLC d/b/a Old Town Fuel & Fiber ("Red Shield") violated provisions of its Department-issued air emission license by exceeding the facility's license limits for opacity and Total Reduced Sulfur ("TRS"). In addition, Red Shield: violated the Department's rule for *Source Surveillance* and the facility's air emission license by exceeding limits for continuous emission monitor downtime and continuous opacity monitor downtime; the Department's rules for *Source Surveillance* or *Total Reduced Sulfur Control from Kraft Pulp Mills* and/or failed to meet license requirements by failing to conduct timely cylinder gas audits on continuous emission monitors; violated the Department's rule for *Total Reduced Sulfur Control from Kraft Pulp Mills* by exceeding limits for TRS venting and failing to meet requirements for emission collection and control uptime for the high volume, low concentration collection system; and violated the Department's rule for *Total Reduced Sulfur Control from Kraft Pulp Mills* and the facility's air emission license by failing to have a back-up incineration device available for non-condensable gases. To resolve the violations, Red Shield paid \$60,709 as a civil monetary penalty.

**District Court Enforcement Resolutions (party followed by location):**

*Land:*

**State of Maine, Department of Environmental Protection v. Arthur B. Roberts d/b/a Roberts Builders, Acton, Maine.** Arthur B. Roberts d/b/a Roberts Builders ("Roberts") violated: Maine's *Natural Resources Protection Act* by removing and displacing, or causing to be removed and displaced, soil, vegetation and other materials within a freshwater wetland without first obtaining a permit from the Department; Maine's *Erosion and Sedimentation Control* law by conducting, or causing to be conducted, the displacement or exposure without implementing sufficient erosion controls to prevent erosion beyond the project site or into a protected natural resource; and the *Maine Hazardous Waste, Septage and Solid Waste Management Act* by establishing a waste facility without a permit. Specifically, Roberts altered approximately .9 acres of wetland and brought piles of solid waste including wallboard, scrap metal, metal culvert, plastic pipe, joint compound, hydraulic oil buckets, home furnishings, and household trash to the subject location for disposal. To resolve the violations, Roberts and the Department entered into a Consent Decree and Order in which Roberts agreed to remove and properly dispose of the solid waste materials and pay \$5,880 as a civil monetary penalty, of which \$4,880 is suspended and will be permanently waived provided that Roberts complies with all provisions in the Order. No restoration of the wetland was required because the resource revegetated naturally.